

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv104**

BILLY JOE MOORE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER OF REMAND</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 9].

Sentence four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." Pursuant to this provision, the Defendant moves for reversal of his decision and remand of the cause for further administrative proceedings. [Doc. 9]. The Plaintiff consents to the Defendant's Motion. [Doc. 10].

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 9] is hereby **GRANTED**.

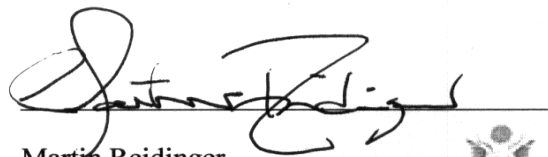
IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is **REMANDED**.

IT IS FURTHER ORDERED that upon remand, the ALJ shall further consider Plaintiff's residual functional capacity, and in doing so, evaluate the additional evidence presented to the Appeals Council. The ALJ also shall consolidate the Plaintiff's subsequent applications with the current case.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

IT IS SO ORDERED.

Signed: October 5, 2011


Martin Reidinger
United States District Judge

